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In re Application of :
CHESNEY, John, et al. :
U.S. Application No.:10/500,484 :
PCT No.: PCT/GB03/00373 :
International Filing Date: 29 January 2003 :
Priority Date: 30 January 2002 :
Attorney's Docket No.: GFR042US :
For: WATERCRAFT :

DECISION

This decision is issued in response to applicants' "Response To Notice Of Acceptance Under 35 U.S.C. 371 and 37 CFR 1.495" filed 18 February 2005. No petition fee is required.

BACKGROUND

On 29 January 2003, applicants filed international application PCT/GB03/00373 which claimed a priority date of 30 January 2002 and which designated the United States. The deadline for payment of the basic national fee was thirty months from the priority date, i.e., 30 June 2004.

On 30 June 2004, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee. The submission did not include a declaration executed by the inventors.

On 24 January 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Acceptance that identified 30 June 2004 as the 35 U.S.C. 371 date and a filing receipt.

On 18 February 2005, applicants filed the submission considered herein. The submission states that the Notification Of Acceptance was mailed prematurely, as applicants had not previously submitted an oath or declaration of the inventors. The submission was accompanied by a declaration executed by the inventors.

DISCUSSION

A review of the application file confirms that, as indicated by applicants, the Notification Of Acceptance and filing receipt mailed 24 January 2002 were issued in error, prior to

applicants' completion of the 35 U.S.C. 371 requirements on 18 February 2005.¹ Accordingly, the Notification Of Acceptance and filing receipt mailed 24 January 2005 are hereby vacated.

The declaration filed by applicants with the present submission on 18 February 2005 completed the requirements of 35 U.S.C. 371. Accordingly, a corrected Notification Of Acceptance will be issued identifying 18 February 2005 as the date of receipt of the 35 U.S.C. 371 requirements, as well as a corrected filing receipt.

CONCLUSION

Applicants' request for a corrected Notification Of Acceptance is **GRANTED**.

The Notification Of Acceptance and filing receipt mailed 24 January 2005 are **VACATED**.

The National Stage Processing Branch of the Office of PCT Operations will be instructed to continue processing of this application in accordance with this decision by (1) the mailing of a new Notification Of Acceptance which identifies the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 18 February 2005, and (2) issuance of a corrected filing receipt.



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¹ The international application here contained inventor's declarations filed under PCT Rule 4.17(iv); however, these declarations are defective in that they do not each identify all the inventors.